

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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Judge
THOMAS F. HOGAN
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NANCY MAVER-WHITTINGTON, CLERK
U.S. DISTRICT COURT

IN RE:)
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M.D.L. NO. 1285

THIS DOCUMENT RELATES TO:)
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ALL ACTIONS)
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Misc. No. 99-0197 (TFH)

**AMENDED PROPOSED ORDER ESTABLISHING
PRETRIAL SCHEDULE AND PROCEDURES**

1. The stay of discovery imposed by Judge Friedman is vacated.
2. Plaintiffs' counsel will identify all new plaintiffs on or before May 1, 2000.
3. Plaintiffs will serve all domestic defendants, and deliver all required documents to the appropriate foreign officials for service on all foreign defendants, on or before June 30, 2000.
4. For all plaintiffs and defendants served with document requests, document production by plaintiffs and domestic defendants will be substantially completed by June 30, 2000.
5. Absent consent no depositions will be taken prior to July 10, 2000 except that depositions of foreign defendants may be taken sooner with respect to jurisdiction and venue issues, pursuant to procedures allowed by the Court.
6. The deadline for completion of all fact discovery will be August 31, 2001.
7. Expert discovery will proceed on the following timetable:
 - (a) The deadline for serving Plaintiffs' expert reports will be August 1, 2001
 - (b) The deadline for serving Defendants' expert reports will be September 17, 2001
 - (c) The deadline for serving Plaintiffs' experts replies, if any, will be September 24, 2001

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- (d) The deadline for completion of all expert discovery will be December 14, 2001

8. The deadline for filing dispositive motions and motions to sever, if any will be February 15, 2002.

9. All MDL cases will be ready for trial or remand by April 30, 2002.

10. Disputes concerning jurisdictional discovery will proceed on the following timetable:

- (a) Plaintiffs have filed jurisdictional discovery requests on April 10, 2000
- (b) Defendants will file their responses to the discovery requests by April 24, 2000
- (c) The parties will meet and confer on April 26, 2000 in an effort to resolve defendants' objections
- (d) The deadline for defendants to file motions for protective orders, and for plaintiffs to file motions to compel, will by May 10, 2000
- (e) The deadline for filing oppositions to such motions will by May 19, 2000
- (f) The deadline for filing replies will be May 26, 2000
- (g) The motions will be argued on the earliest practicable date after May 26, 2000
- (h) A cutoff date for jurisdictional discovery and a briefing schedule for the foreign defendants' motions to dismiss for lack of personal jurisdiction will be established following the Court's ruling on any motions for protective orders and to compel *FOR SPECIAL MASTER'S*
- (i) Foreign defendants which have been served with federal complaints as of April 16, 2000, and who are contesting jurisdiction, will provide plaintiffs with a Notice of Motion, on or before May 15, 2000. (for Complaints served between April 16, 2000 and June 30, 2000 such Notices of Motion will be provided by July 30, 2000.) The Notice will state in summary form all reasons why the defendant asserts that the law of the forum state does not support the assertion of jurisdiction. Where more than one served complaint has been filed in a state, the notices will address all served complaints in that state. Thus, separate notices will be filed addressing the law of each state in which one or more served complaints have been filed.

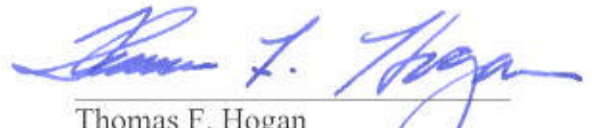
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11. Disputes relating to direct purchaser class certification will proceed on the following timetable:

- (a) Direct purchaser class plaintiffs will move for class certification on or before June 1, 2000
- (b) As provided in paragraph 4 and without affecting its scope, the class representatives designated in such motions shall substantially complete production of their documents by June 30, 2000
- (c) As provided in paragraph 5 and without affecting its scope, depositions of such class representatives may be taken on and after July 10, 2000
- (d) Defendants will respond to class plaintiffs' motions on or before October 16, 2000
- (e) Class plaintiffs will reply on or before November 15, 2000. Class plaintiffs may submit one or more expert reports as part of their reply in support of a particular certification motion only if defendants submitted one or more expert reports in opposition to that motion, in which case class plaintiffs shall have the right to take the deposition of each of defendants' experts before submitting their reply by the date set forth above.
- (f) If class plaintiffs submit one or more expert reports as part of their reply in support of a particular certification motion, defendants opposing that motion shall have the right to file a surreply and to take the deposition of each of class plaintiffs' experts before submitting their surreply, which will be due on December 15, 2000.
- (g) If defendants submit a surreply, class plaintiffs shall have the right to submit a sur-surreply on or before January 5, 2001.

SO ORDERED:

4/28/00


Thomas F. Hogan
United States District Judge